REMARKS

Summary of the Office Action

In the Office Action, the Examiner rejected claims 1-4, 6, 9, 12-14, 17 and 18 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Number 6,850,496 to Knappe et al. ("Knappe") in view of U.S. Patent Publication Number 2002/0123895 to Potekhin et al. ("Potekhin"). The Examiner rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Knappe in view of Potekhin and further in view of U.S. Patent Publication Number 2005/0025073 to Kwan ("Kwan").

The Examiner objected to claims 5, 10, 11, 15, and 16 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' Response

Applicants would like to thank the Examiner for indicating that claims 5, 10, 11, 15 and 16 would be allowable if rewritten in independent form.

Applicants respectfully traverse all rejections of record and respectfully request allowance of pending claims 1-18.

Claim Rejections – 35 U.S.C. § 103

A.   Claims 1-6

Independent claim 1 is directed to a conferencing server for establishing multi-party call conference services in a data network telephony system. Among other things, independent claim 1 includes a session initiation protocol (SIP) signaling interface and a media conferencing

module which includes a plurality of selectable media decoders, a plurality of media stream queues selectively coupled to the media decoders, a jitter correction processor which compensates arrival time jitter in the data stored in the media stream queues, a mixer which receives the jitter corrected data from each of the queues, generates an aggregate conferencing stream of all active participants, and generates individual participant conference streams for each active participant in the conference, and a plurality of selectable media encoders which are selectively coupled to the individual participant conference streams in accordance with a protocol supported by the respective participant.

To establish a *prima facie* case of obviousness, three basic criteria must be met:

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. (*Inre Vaeck*, 947 F.2d 488(Fed. Cir. 1991)).

Manual of Patent Examining Procedure, § 2143. As will be explained below, one of ordinary skill in the art would have neither the motivation for nor a reasonable expectation of success in combining Potekhin with Knappe to form the combination of claim 1. Moreover, even if such a combination was properly made, neither Knappe nor Potekhin disclose or suggest a conferencing server for establishing multi-party call conference services in a data network telephony system including, among other things, "a mixer ... generating an aggregate conferencing stream of all active participants" as recited in claim 1, or the analogous features of independent claim 9 or 14.

1.   Knappe Cannot Be Properly Combined With Potekhin

Potekhin has been cited by the Examiner as disclosing a single mixer. Assuming *arguendo* such disclosure, one of ordinary skill in the art would have neither the motivation for

nor a reasonable expectation of success in combining Potekhin with Knappe to form the combination of claim 1.

Knappe is directed to a system and method of conferencing where a user can divide a presentation's sound field into sectors corresponding to the individual participants. As explained by Knappe, multiple mixers are required for successful operation -- Knappe writes that "a separate set of mixers is provided for each endpoint, so that each can receive mapped and mixed voice data from all other endpoints." (see col. 12, lines 26-29).

Since Knappe requires multiple mixers for successful operation, one of ordinary skill in the art reading Knappe would not have any motivation at all to look to Potekhin to use a single mixer. Moreover, by requiring multiple mixers, Knappe teaches away from the single mixer recited in claim 1 and a person of ordinary skill in the art would therefore not have a reasonable expectation of success in combining the two references. Accordingly, the two references cannot be properly combined.

Claim 1 is, therefore, allowable for at least this reason. Claims 2-6 depend on claim 1 and are thus allowable for at least the same reason.

2.   Even If Knappe Were Properly Combinable With Potekhin, The Combination Does Not Disclose Or Suggest All Claimed Features

As previously described, independent claim 1 includes, *inter alia*:

> a mixer, the mixer receiving the jitter corrected data from each of the queues, generating an aggregate conferencing stream of all active participants, and generating individual participant conference streams for each active participant in the conference

The Examiner recognizes that Knappe does not disclose this feature of claim 1. The Examiner, however, takes the position that Potekhin overcomes this deficiency. (*see* page 3, Office Action). Applicants respectfully disagree as the mixer described in claim 1 is not

disclosed or suggested by Potekhin. The portion of Potekhin cited by the Examiner states that "the subset [of enhanced audio streams 96a-c] represents the most dominant streams within the conference or those specifically requested from the host (not shown). The subset of enhanced audio streams 96*a-c* are then transmitted to mixer 310. Mixer 310 mixes these streams and produces a plurality of mixed streams, each mixed stream being sent to at least one appropriate participant within the conference." (*see* Potekhin, paragraph [0028]). While Potekhin generates different streams for selected individual users, Potekhin fails to disclose or suggest "generating an aggregate conferencing stream of all active participants" as recited in claim 1 (emphasis added).

Thus, claim 1 is allowable over Knappe and Potekhin, either alone or in combination, for at least this reason. Claims 2-6 depend on claim 1 and are thus allowable for at least the same reason.

B.   Claims 9-13

Independent claim 9 is directed to a method of conferencing a plurality of conference participant audio streams and includes, *inter alia*, "mixing each of the audio streams into an aggregate audio stream" and "for each active participant, subtracting that participant's audio stream from the aggregate audio stream to generate a corresponding participant conference stream."

As discussed herein with respect to claim 1, Knappe and Potekhin fail to disclose or suggest mixing "each" of the streams into an "aggregate stream."

Moreover, Knappe and Potekhin fail to disclose or suggest subtracting a participant's audio stream from the aggregate audio stream to generate a corresponding participant conference stream for each active participant.

Instead, as explained in the portion of Knappe cited by the Examiner, (col. 14, lines 32-42) Knappe makes individual sets of mixed channels for each conferencing endpoint by adding the other participants' streams. In Knappe, there is no aggregate stream including **all** participants' streams as recited in Applicants' claim 9. As discussed above, Potekhin fails to overcome the deficiencies of Knappe.

Additionally, Knappe and Potekhin are not properly combinable as described above with respect to claim 1.

For at least these reasons, Applicants respectfully submit that claim 9 is allowable over Knappe and Potekhin, either alone or in combination.

Claims 10-13 depend from claim 9 and are thus allowable for at least the same reasons.

C.   Claims 14-18

Independent claim 14 is directed to computer readable media programmed to configure a computer to perform a method of conferencing a plurality of conference participant audio streams and includes, *inter alia*, "mixing each of the audio streams into an aggregate audio stream" and "for each active participant, subtracting that participant's audio stream from the aggregate audio stream to generate a corresponding participant conference stream." These features are analogous to the features of independent claim 9 discussed above and therefore, claim 14 is allowable over Knappe and Potekhin, either alone or in combination, for at least the reasons provided with respect to independent claim 9.

Claims 15-18 depend from claim 14 and are thus allowable for at least the same reasons as claim 9.

D.   <u>Claims 7-8</u>

Claims 7 and 8 depend on claim 1 which is allowable over Knappe and Potekhin at least for the reasons discussed above. Kwan was cited only as disclosing a gateway and does not cure the deficiencies of Knappe and Potekhin discussed above with respect to claim 1. Therefore claims 7 and 8 are allowable over Knappe, Potekhin, and Kwan for at least the same reasons as discussed above with respect to claim 1.
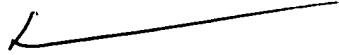
Based on the foregoing response, Applicant traverses the Examiner's rejection of claims 1-4, 6, 9, 12-14, 17 and 18 under 35 U.S.C. §103(a).

CONCLUSION

In view of the foregoing remarks, favorable consideration and allowance of claims 1-18 is respectfully solicited. Applicants hereby authorize the Commissioner to charge payment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 02-4377. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

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